

Introduced by Senator Simitian

February 22, 2005

~~An act to amend Section 5090.70 of the Public Resources Code, and to amend Section 38225 of the Vehicle Code, relating to vehicles. An act to add Section 21809 to the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 800, as amended, Simitian. ~~Off-highway vehicles: identification: fee Vehicles: tow trucks: authorized emergency vehicles: avoidance on highway.:~~

(1) Existing law requires the driver of a vehicle, upon the immediate approach of an authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting red light, as specified, to yield the right-of-way and immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon stop and remain stopped until the authorized emergency vehicle has passed, except as otherwise directed by a traffic officer.

This bill would require a person driving a vehicle approaching an authorized emergency vehicle that has stopped and is displaying warning lights, or a tow truck that has stopped and is displaying flashing amber warning lamps, except as otherwise directed by a traffic officer, to (a) merge out of the lane closest to the authorized emergency vehicle, if on a highway marked for 2 or more lanes of traffic traveling in each direction, and traveling in the lane adjacent to the emergency vehicle or tow truck; (b) slow to a speed that is safe under the existing weather, road conditions, and vehicular or pedestrian traffic, and proceed with due care and caution or as directed by a traffic officer, if on a highway marked for 2 or more lanes of traffic traveling in each direction, and the approaching

vehicle is in a lane adjacent to the authorized emergency vehicle or tow truck, but the maneuver described in (a) would be unsafe or impractical due to weather or road conditions or the presence of pedestrians or vehicular traffic conditions in the adjacent lane, or because the maneuver would place the approaching vehicle in the same lane as the authorized emergency vehicle or tow truck; or (c) slow to a speed that is safe under the existing weather, road conditions, and vehicular or pedestrian traffic conditions, and proceed with due care and caution or as directed by a traffic officer, if on a highway marked for only one lane of traffic traveling in each direction.

The bill would make a violation of these requirements an infraction, punishable by a specified fine. The bill thereby would establish a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Off-Highway Motor Vehicle Recreation Act of 1988, provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails. Specified taxes imposed upon the distribution of motor vehicle fuel and certain fees, fines, forfeitures, and reimbursements are required to be deposited in the Off-Highway Vehicle Trust Fund for allocation, upon appropriation by the Legislature, by the Off-Highway Motor Vehicle Recreation Commission. All of the above provisions in existing law are to be repealed on January 1, 2007.~~

~~This bill would extend that repeal date until July 1, 2007, and would similarly extend a January 1, 2007, repeal date, currently applicable to the collection and disposition of certain related fees, to July 1, 2007.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 5090.70 of the Public Resources Code~~
- 2 ~~is amended to read:~~

1 *SECTION 1. Section 21809 is added to the Vehicle Code, to*
2 *read:*

3 *21809. (a) A person driving a vehicle approaching an*
4 *authorized emergency vehicle that has stopped and is displaying*
5 *warning lights, or a tow truck that has stopped and is displaying*
6 *flashing amber warning lamps, shall do one of the following,*
7 *except as otherwise directed by a traffic officer:*

8 *(1) If on a highway marked for two or more lanes of traffic*
9 *traveling in each direction, and the approaching vehicle is in a*
10 *lane adjacent to the authorized emergency vehicle or tow truck,*
11 *merge out of that lane, so as to leave one lane between the*
12 *approaching vehicle and the authorized emergency vehicle or*
13 *tow truck, if that maneuver is both practical and safe. If the*
14 *maneuver described in this paragraph is not practical or safe*
15 *because it would place the approaching vehicle in the same lane*
16 *as the tow truck or authorized emergency vehicle, or because of*
17 *weather or road conditions or the presence of pedestrians or*
18 *traffic in the adjacent lane, the person shall proceed as described*
19 *in paragraph (2).*

20 *(2) If on a highway marked for two or more lanes of traffic*
21 *traveling in each direction, and the approaching vehicle is in a*
22 *lane adjacent to the authorized emergency vehicle or tow truck,*
23 *but the maneuver described in paragraph (1) would be unsafe or*
24 *impractical due to weather or road conditions or the presence of*
25 *pedestrians or vehicular traffic in the adjacent lane, or because*
26 *the maneuver would place the approaching vehicle in the same*
27 *lane as the authorized emergency vehicle or tow truck, slow to a*
28 *speed that is safe under the existing weather, road conditions,*
29 *and vehicular or pedestrian traffic conditions, and proceed with*
30 *due care and caution or as directed by a traffic officer.*

31 *(3) If on a highway marked for only one lane of traffic*
32 *traveling in each direction, slow to a speed that is safe under the*
33 *existing weather, road conditions, and vehicular or pedestrian*
34 *traffic conditions, and proceed with due care and caution or as*
35 *directed by a traffic officer.*

36 *(b) A violation of this section is an infraction, punishable by a*
37 *fine of not more than fifty dollars (\$50).*

38 *SEC. 2. No reimbursement is required by this act pursuant to*
39 *Section 6 of Article XIII B of the California Constitution because*
40 *the only costs that may be incurred by a local agency or school*

1 *district will be incurred because this act creates a new crime or*
2 *infraction, eliminates a crime or infraction, or changes the*
3 *penalty for a crime or infraction, within the meaning of Section*
4 *17556 of the Government Code, or changes the definition of a*
5 *crime within the meaning of Section 6 of Article XIII B of the*
6 *California Constitution.*

7 ~~5090.70. This chapter shall remain in effect only until July 1,~~
8 ~~2007, and as of that date is repealed, unless a later enacted~~
9 ~~statute, that is enacted before July 1, 2007, deletes or extends that~~
10 ~~date.~~

11 ~~SEC. 2. Section 38225 of the Vehicle Code, as amended by~~
12 ~~Section 40 of Chapter 227 of the Statutes of 2001, is amended to~~
13 ~~read:~~

14 ~~38225. (a) A service fee of seven dollars (\$7) shall be paid to~~
15 ~~the department for the issuance or renewal of identification of~~
16 ~~off-highway motor vehicles subject to identification, except as~~
17 ~~expressly exempted under this division.~~

18 ~~(b) In addition to the service fee specified in subdivision (a), a~~
19 ~~special fee of eight dollars (\$8) shall be paid at the time of~~
20 ~~payment of the service fee for the issuance or renewal of an~~
21 ~~identification plate or device.~~

22 ~~(c) All money transferred pursuant to Sections 8352.6 and~~
23 ~~8352.7 of the Revenue and Taxation Code, all fees received by~~
24 ~~the department pursuant to subdivision (b), and all day use,~~
25 ~~overnight use, or annual or biennial use fees for state vehicular~~
26 ~~recreation areas received by the Department of Parks and~~
27 ~~Recreation, shall be deposited in the Off-Highway Vehicle Trust~~
28 ~~Fund, which is hereby created. There shall be a separate~~
29 ~~reporting of special fee revenues by vehicle type, including~~
30 ~~four-wheeled vehicles, three-wheelers, motorcycles, and~~
31 ~~snowmobiles. All money shall be deposited in the fund, which is~~
32 ~~a trust fund, and, upon appropriation by the Legislature, shall be~~
33 ~~allocated by the Off-Highway Motor Vehicle Recreation~~
34 ~~Commission, as provided in this section. Money in the fund shall~~
35 ~~be administered by the commission, as trustee of the fund, and,~~
36 ~~subject to Section 5090.61 of the Public Resources Code, shall be~~
37 ~~allocated for those purposes set forth in Section 5090.50 of the~~
38 ~~Public Resources Code.~~

39 ~~(d) Any money temporarily transferred by the Legislature~~
40 ~~from the Off-Highway Vehicle Trust Fund to the General Fund~~

1 shall be reimbursed, without interest, by the Legislature within
2 two fiscal years of the transfer.

3 ~~(c) This section shall remain in effect only until July 1, 2007,~~
4 ~~and as of that date is repealed, unless a later enacted statute, that~~
5 ~~is enacted before July 1, 2007, deletes or extends that date. Any~~
6 ~~unencumbered funds remaining in the Off-Highway Vehicle~~
7 ~~Trust Fund on July 1, 2007, shall be transferred to the General~~
8 ~~Fund.~~

9 SEC. 3. ~~Section 38225 of the Vehicle Code, as amended by~~
10 ~~Section 3 of Chapter 202 of the Statutes of 1996, is amended to~~
11 ~~read:~~

12 38225. ~~(a) A service fee of seven dollars (\$7) shall be paid to~~
13 ~~the department for the issuance or renewal of identification of~~
14 ~~off-highway motor vehicles subject to identification, except as~~
15 ~~expressly exempted under this division.~~

16 ~~(b) This section shall become operative on July 1, 2007.~~